



General Assembly

February Session, 2002

Raised Bill No. 321

LCO No. 1010

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT ESTABLISHING A NURSE INTERVENTION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) As used in sections 1 to 7,
2 inclusive, of this act, unless the context otherwise requires:

3 (1) "Nurse intervention program" or "program" means the program
4 established under section 2 of this act;

5 (2) "Board" means the Connecticut State Board of Examiners for
6 Nursing established under section 20-88 of the general statutes, as
7 amended by this act;

8 (3) "Intervention" means a formal, planned and safe meeting with a
9 nurse to provide for the transition of such nurse into rehabilitation that
10 may be facilitated by the program manager, by a case manager of the
11 nurse intervention program or by trained volunteers including, but not
12 limited to, individuals from Nurses For Nurses;

13 (4) "Rehabilitation" means a process of primary and ongoing
14 treatment and education for a nurse leading to recovery and the
15 attainment of the nurse's maximum function;

16 (5) "Recovery" means an ongoing process of returning to a state of
17 physical, psychological, social and spiritual well-being;

18 (6) "Chemical dependency" means abusive or excessive use of
19 drugs, including alcohol, narcotics or chemicals, that results in
20 physical dependence or psychological, social and spiritual
21 dependence;

22 (7) "Program manager" means the program manager of the nurse
23 intervention program as provided in section 2 of this act;

24 (8) "Advisory committee" means the Nurse Intervention Program
25 Advisory Committee established under section 3 of this act; and

26 (9) "Department" means the Department of Public Health.

27 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) The board, in
28 collaboration with one or more professional nursing organizations in
29 the state, or any subsidiary of such organizations, shall establish a
30 nurse intervention program that shall be administered through a
31 professional nursing organization in this state, or a subsidiary of such
32 organization. The program shall be an alternative, voluntary and
33 private opportunity for the rehabilitation of nurses licensed pursuant
34 to chapter 378 of the general statutes who (1) have a chemical
35 dependency, mental illness or physical condition, (2) meet the criteria
36 established by the advisory committee pursuant to subsection (b) of
37 section 3 of this act, and (3) submit to having their rehabilitation
38 monitored by program staff in lieu of disciplinary action.

39 (b) The nurse intervention program shall have a staff consisting of a
40 program manager, one or more case managers and an administrative
41 assistant.

42 (1) The program manager shall: (A) Hold an advanced degree in the
43 area of mental health; (B) have overall responsibility for the
44 implementation and administration of the nurse intervention program;
45 (C) in consultation with the advisory committee, establish policies and

46 procedures for intervention, acceptance, denial or termination under
47 the program; and (D) conduct an annual evaluation of the program.

48 (2) Each case manager shall be a registered nurse, experienced in the
49 area of chemical dependency, who shall manage and track the caseload
50 of nurses in the nurse intervention program.

51 (c) The program manager, in consultation with the other members
52 of the advisory committee established pursuant to section 3 of this act,
53 shall establish procedures to identify nurses potentially eligible for the
54 nurse intervention program, to refer such nurses to the program and to
55 provide for the entry of such nurses into rehabilitation under the
56 program in order for them to be returned to the practice of nursing in a
57 manner that will not endanger the public health. Nurses who are
58 identified as potentially eligible for the program shall be offered the
59 opportunity to be evaluated using the criteria established by the
60 advisory committee pursuant to section 3 of this act. Participation by a
61 nurse in the nurse intervention program shall be a confidential
62 alternative to traditional disciplinary action taken against such nurse
63 under sections 20-99 and 19a-17 of the general statutes.

64 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) There shall be a Nurse
65 Intervention Program Advisory Committee consisting of: (1) The
66 program manager; and (2) eight additional members, (A) one
67 appointed by the president pro tempore of the Senate who shall be an
68 advanced practice registered nurse, (B) one appointed by the speaker
69 of the House of Representatives who shall be a registered nurse, (C)
70 one appointed by the minority leader of the Senate who shall be a
71 licensed practical nurse, (D) one appointed by the minority leader of
72 the House of Representatives who shall be an expert in the field of
73 addiction, (E) one appointed by the chairperson of the board, (F) one
74 appointed by the Commissioner of Public Health, (G) one appointed
75 by the Connecticut Nurses' Association, and (H) one appointed by the
76 Connecticut League for Nursing. All members shall have relevant
77 mental health and substance abuse knowledge and experience. The

78 persons initially appointed under subparagraphs (A), (B) and (C) of
79 subdivision (2) of this subsection shall serve for a term of three years,
80 the persons initially appointed under subparagraphs (D), (G) and (H)
81 of subdivision (2) of this subsection shall serve for a term of two years,
82 and the persons initially appointed under subparagraphs (E) and (F) of
83 subdivision (2) of this subsection shall serve for a term of one year.
84 Thereafter, all persons appointed under subdivision (2) of this
85 subsection shall serve for terms of three years and until their
86 successors have been appointed, provided no such person may serve
87 more than two such terms. Any vacancy shall be filled by the
88 appointing authority.

89 (b) The advisory committee shall: (1) Serve as a liaison between the
90 board and the nurse intervention program; (2) establish criteria for the
91 participation of nurses in the program; (3) establish policies regarding
92 program ethics and the approval of treatment facilities and providers
93 under the program; (4) approve or disapprove the participation of
94 nurses in intervention programs in other states that are similar to the
95 program; and (5) provide guidance, direction and evaluation with
96 respect to the program.

97 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) Except as provided in
98 subsection (b) of section 6 of this act, all records pertaining to the
99 rehabilitation of a nurse in the nurse intervention program or
100 pertaining to a nurse having successfully completed the program, and
101 the information contained in such records, shall be confidential and
102 shall not be subject to disclosure under the Freedom of Information
103 Act, as defined in section 1-200 of the general statutes, as amended, or
104 to discovery or subpoena, unless any one or more of the following
105 conditions exist:

106 (1) Such nurse has been subject to, or currently has pending, any
107 charges, disciplinary action or consent agreement by or with any
108 professional licensing board;

109 (2) Such nurse has been found guilty or convicted as a result of an

110 act that constitutes a felony under the laws of this state, federal law or
111 the laws of another jurisdiction and that, if committed within this state,
112 would have constituted a felony under the laws of this state; or

113 (3) Any such record or the information contained therein is in the
114 form of summary or aggregate data that does not identify or allow the
115 identification of such nurse.

116 (b) Except as provided in subdivision (1) of subsection (a) of this
117 section, a nurse participating in the nurse intervention program shall
118 not be subject to investigation or disciplinary action by the board or
119 the department for the same conduct that rendered the nurse eligible
120 for the program, provided such nurse complies with terms and
121 conditions of the program.

122 (c) Notwithstanding the provisions of this section, any record or
123 information pertaining to a nurse who applies for or participates in the
124 nurse intervention program, that is received by the board or the
125 department prior to the acceptance of the nurse into the program or
126 after such nurse's termination from the program and that does not
127 relate to the application for the program, may be utilized by the board
128 or the department in any disciplinary or criminal proceedings
129 instituted against such nurse.

130 Sec. 5. (NEW) (*Effective October 1, 2002*) Any person making a report
131 to the board, the department or the staff of the nurse intervention
132 program regarding a nurse suspected of practicing while impaired due
133 to causes that would render the nurse eligible for the program, or
134 regarding a nurse's progress or lack of progress as a participant in the
135 program, shall be immune from civil liability with respect to the
136 making of such report or the information contained therein, provided
137 such person made the report in good faith and had a reasonable basis
138 for believing, based on the facts known to such person, that such
139 report or the information contained therein was accurate. Nothing in
140 this section shall be construed to limit the application of section 19a-
141 17b or 19a-20 of the general statutes.

142 Sec. 6. (NEW) (*Effective October 1, 2002*) (a) The program manager
143 shall report any nurse referred to and participating in the nurse
144 intervention program who fails to comply with the terms and
145 conditions of such participation to the department for such
146 disciplinary action as the board and the Commissioner of Public
147 Health deem appropriate.

148 (b) During such time as a nurse is participating in, but has not yet
149 completed, the nurse intervention program, the nurse may participate
150 in a similar program in another state if such out-of-state participation
151 is approved by the advisory committee upon application and a
152 showing of need by such nurse. If so approved, the terms and
153 conditions for such nurse's participation in the nurse intervention
154 program shall include compliance with all requirements of the out-of-
155 state program. The program manager, upon the written request of
156 such nurse, shall provide any relevant information to the administrator
157 of such out-of-state program as may be required under the laws of
158 such state.

159 Sec. 7. (NEW) (*Effective October 1, 2002*) (a) Each person holding a
160 license as an advanced practice registered nurse, registered nurse or
161 licensed practical nurse who renews such license on or after October 1,
162 2002, shall pay, in addition to the renewal fee required under
163 subsection (c) of section 19a-88 of the general statutes a surcharge in an
164 amount established by the department but not to exceed ten per cent of
165 the renewal fee for such license as provided in said subsection. Such
166 surcharge shall be deposited in the fund established under subsection
167 (b) of this section.

168 (b) There is established a fund to be known as the "Nurse
169 Intervention Program Fund". The fund shall contain all surcharges
170 collected by the department pursuant to subsection (a) of this section
171 and any other moneys required by law to be deposited in the fund and
172 shall be held separate and apart from all other money, funds and
173 accounts. Investment earnings credited to the fund shall become part

174 of the assets of the fund. Any balance remaining in said fund at the
175 end of any fiscal year shall be carried forward in the fund for the fiscal
176 year next succeeding. The fund shall be used by the board for the
177 purpose of implementing the nurse intervention program, provided (1)
178 amounts in the fund may be expended only pursuant to appropriation
179 or authorization by the General Assembly, and (2) amounts in the fund
180 shall not be used to pay for the actual treatment and rehabilitation
181 costs required by any nurse in the program.

182 Sec. 8. Subsection (a) of section 20-88 of the general statutes is
183 repealed and the following is substituted in lieu thereof (*Effective*
184 *October 1, 2002*):

185 (a) The Connecticut State Board of Examiners for Nursing shall
186 consist of twelve members who are residents of the state to be
187 appointed by the Governor subject to the provisions of section 4-9a.
188 The Governor shall appoint two members who shall be graduates of an
189 approved school for licensed practical nursing; five members who
190 shall be registered nurses, three of whom shall, at the time of
191 appointment, be connected with an institution affording opportunities
192 for the education of nurses, and at least two of whom shall hold
193 master's degrees in nursing from a recognized college or university
194 and one of whom shall be at the time of appointment an instructor in
195 an approved school for licensed practical nurses; one member who
196 shall be an advanced practice registered nurse; and four members who
197 shall be public members. Commencing with the first appointment
198 made or vacancy filled on or after October 1, 2002, at least one member
199 of said board shall, at the time of appointment, have relevant training,
200 education or experience in the treatment of chemical dependency or in
201 the area of mental health. Members of said board shall be residents of
202 this state and professional members shall maintain good professional
203 standing. No member of said board shall be an elected or appointed
204 officer of any professional association of nurses or have been such an
205 officer during the year immediately preceding [his] such member's
206 appointment. No member shall serve more than two full consecutive

207 terms which commence after July 1, 1980. Any vacancy shall be filled
208 by the Governor for the unexpired portion of the term.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>

PH *Joint Favorable*

GAE *Joint Favorable*